IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CAS/1655/2006

in
SA. NO. 804 OF 2005

SHAMSHER ABDUL RAHIMAN BHILAWADE ... Applicant
V/S
HIBJABI BABASAHEB BHILAWADE ... Respondent

SHRI. S.D.DHARMADHIKARI FOR applicant.
SHRI S.M. OAK FOR Respondent .NO. 2.
SHRI MANOJ S. CHATGE FOR respondent Nos.7,9 TO 12,14,15/1, 16/1,16/2(1) TO 16/2(4), 6/3 TO 16/7

CORAM: D. G. KARNIK **J.**
DATE: 7th November 2006

P.C.:

1. Heard learned counsel for the parties.

2. The applicant prays for condonation of delay in filing of the appeal. This civil application is made for condonation of delay of about 30 days in making the application for setting aside the abatement. It is averred in the application that the appellant was not aware of the death till the receipt of the bailiff 's report. No affidavit in reply has been filed denying

these averments. In the circumstances for the reasons stated in the Civil application delay is condoned and the abatement is set aside.

3. Applicant to carry out the amendment within a period of two weeks.

(D.G. KARNIK J.)